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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,410	01/27/2004	Peter Samuel Marx	G&C 200.I-US-U1	2194
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GATES & COOPER LLP			EXAMINER	
HOWARD HUGHES CENTER			LE, DEBBIE M	
6701 CENTER DRIVE WEST, SUITE 1050			ART UNIT	PAPER NUMBER
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			03/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/765,410	<b>Applicant(s)</b> MARX ET AL.
	<b>Examiner</b> DEBBIE M. LE	<b>Art Unit</b> 2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 December 2007.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____          |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application<br>Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 3, 2007 has been entered.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hose (US Patent 7,024,205 B1) in view of Jones (US Patent Application Pub. No. 2002/0069312 A1) and further in view of Chan (U.S Patent Appl. No. 2003/0126150 A1).

**As per claim 1, Hose** discloses a contextual location-based service apparatus containing commercial location-based information, comprising:

a) a computer-based infrastructure (Fig. 1), comprising:

**1) at least one database for storing the commercial location-based supplied by a commercial entity** (col. 5, lines 65-67, location-based services, such as food outlets, hotels, towing services, etc. that the service information includes a database of service providers indexed to corresponding service locations);

**2) a context manager, coupled to the database, for indexing and sorting the information stored in the database** (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-based service provider database, and the appropriate location information can be indexed to the service provider in the service provider database);

**3) a contribution engine, coupled to the database, for entering, storing, managing, and retrieving additional information in the database** (col. 5, 1-9, lines 65-67, as network platforms 112 can access, receiving and

indexing the service information in a database of service providers corresponding to service location);

**4) a locator, coupled to the contribution engine and the database, for converting a plurality of references to a specific location to a common location designation** (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

**5) a location browser, coupled to the database, for retrieving and reviewing information in the database** (col. 6, lines 55-66, as an Internet data link 122).

Hose does not explicitly appear to teach, (but Jones teaches) **a database for storing a user-supplied location-based information, including at user-supplied location, supplied by a user other than the commercial entity on at least one location** (para. 0005, the system and method for receiving, storing and providing access to a collection of entries collected from a variety of locations (i.e., the places that users have visited) as supplied by a multitude of remote users), **wherein the user directly stores the user-supplied location-bases information in the database which is retrievable by at least one other user; wherein the user directly enters the additional user-supplied location-based information in the database** (para. 005, maintaining records of the places the users have visited in the spatial-temporal information system on the web site that allow people to find

information about other users have visited a specified geographical location). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to implement the step of **a database for storing a user-supplied location-based information, including at user-supplied location, supplied by a user other than the commercial entity on at least one location, wherein the user directly stores the user-supplied location-bases information in the database which is retrievable by at least one other user; wherein the user directly enters the additional user-supplied location-based information in the database** as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e., rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

**Hose and Jones** do not explicitly teach, **but Chan discloses** the database which stores both the user-supplied location-based information and the commercial location-based information (para. 0021, the server allows user to feedback the comments (i.e., user rating) to the server-link to the merchandise database). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed

by Chan because it provides the users to have a chance to involve the location-based service information database. This would improve to make the location-based service database more completed and accurate.

**As per claim 2, Hose** teaches comprising a link manager, coupled to the database, for linking a plurality of locations within the database to each other (col. 6, lines 5-11).

**As per claim 3, Jones** teaches a rating engine, couple to the database, whereon the at least one client enters rating information stored in the about the user-supplied location-based information (Fig. 5, user provides location ratings, comments about the place they have visited, para. 0005, para. 0023).

**As per claim 4, Hose** teaches a charge and payment manager, coupled to the database, for controlling access to information in the database and for collecting fees from a user of a client for accessing the controlled access information in the database (col. 3, lines 50-54, col. 8, lines 46-53).

**As per claim 5, Hose** teaches a mapping engine, coupled to the database, for providing to the client a visual output of information, thematic information, and metadata-stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

**As per claim 6, Hose** teaches a route planner, coupled to the link manager and the database, for accessing information stored in the database in sequence as the client travels between the plurality of locations (col. 8, lines 1-4, col. 7, lines 35-40).

**As per claim 7, Hose** teaches an Intellectual Property manager, coupled to the database and the charge and payment manager, for providing proper access to intellectual property stored in the database (col. 3, lines 3-6, 50-54).

**As per claim 8, Hose** discloses a method for providing contextual location-based information in a system which includes at least commercial location-based information supplied by a commercial entity, comprising:

**associating a plurality of information to the transition between locations** (col. 5, lines 65-67, as the service information includes a database of service providers indexed to corresponding service locations);

**determining a location reference for each piece of contextual location-based information** (col. 5, lines 57-59, col. 6, lines 1-4, as GIS, service locations may be stored in the form of latitude/longitude data, corresponding GIS or street address data, zip code or other regional or service area indicators, or other appropriate identifiers);

**sorting the contextual location-based information by determined location reference** (col. 3, lines 35-41, as a network administrator allows service providers to register in a location-based service provider database, and the appropriate location information can be indexed to the service provider in the service provider database);

**accessing the database by a location query** (col. 6, lines 55-57, receiving a subscriber's service request (i.e., Fig. 1, # 102), **wherein the location query is compared to the determined location reference of the contextual location-based**

**information** (col. 8, lines 1-17, as the system compares the received LFE data and service information to identify candidate service providers based on location); **and reporting results of the location query to at least one other client** (col. 3, lines 42-46, delivering location-based service information to the subscriber may involve receiving and LFE based input regarding the service provider's location and providing service information to the subscriber based on the input regarding the service provider's location).

Hose does not explicitly teach, but Jones teaches **associating a plurality of user-supplied location-based information supplied by the user of the system other than the commercial entity, wherein the user-supplied contextual location-based information includes at least a user-supplied location** (para. 0005, the system and method for receiving, storing and providing access to a collection of entries collected from a variety of locations (i.e., the places that users have visited) as supplied by a multitude of remote users), **is stored directly into the database by the user of the system other than the commercial entity** (para. 005, maintaining records of the places the users have visited in the spatial-temporal information system on the web site that allow people to find information about other users have visited a specified geographical location). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of **associating a plurality of user-supplied location-based information supplied by the user of the system other than the commercial entity, wherein the user-supplied contextual location-based information includes at least**

**a user-supplied location, is stored directly into the database by the user of the system other than the commercial entity** as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e., rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

**Hose and Jones do not explicitly teach, but Chan discloses** wherein the database stores both the user-supplied location-based information and the commercial location-based information (para. 0021, the server allows user to feedback the comments (i.e., user rating) to the server-link to the merchandise database). Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed by Chan because it provides the users to have a chance to involve the location-based service information database. This would improve to make the location-based service database more completed and accurate.

**As per claim 9, Hose** teaches entering a fee amount for accessing a specific piece of contextual information; and charging the fee amount to a user before, during, or after the specific piece of contextual information is accessed (col. 3, lines 50-54).

**As per claim 10, Hose** teaches linking at least two determined location references to each other (col. 6, lines 1-11).

**Claim 11** has similar limitations as claim 3, therefore, it is rejected under the same subject matter.

**As per claim 12, Hose** teaches a storing visual data as at least a portion of the contextual information entered in the database, for providing to the client a visual output of information stored in the database (col. 7, lines 35-40, col. 5, lines 56-59, col. 8, lines 1-19).

**As per claim 13, Hose** teaches linking a plurality of pieces of contextual information in the database, for accessing the pieces of contextual information stored in the database in sequence (col. 8, lines 1-4, col. 7, lines 35-40).

**As per claim 14, Hose** teaches controlling access to intellectual property entered as contextual pieces of information stored in the database (col. 8, lines 46-65).

**As per claim 15, Hose** discloses a contextual location services system, comprising:

**a database for storing contextual location-based information on a plurality of geographic locations** (col. 5, lines 57-67, as the service information includes a database of service providers indexed to corresponding service locations (i.e., GIS data and service zones of particular service provider)), and

**a client** (as a subscriber 102, Fig. 1), which communicates with the database, for retrieving the stored contextual location-based information (col. 6, lines 63-65, receiving a subscriber's service request (i.e., Fig. 1, # 102), delivering location-based service information to the subscriber may involve receiving and LFE based input regarding the service provider's location and providing service information to the

subscriber based on the input regarding the service provider's location), **comprising a mobile communications device** (col. 3, lines 55-62, as wireless transceiver location), **wherein the client retrieves information based on geographic location and is able to select one or more pieces of contextual location-based information for presentation on the client** (col. 7, lines 35-43, as the menu is displayed on the telephone such that a user can scroll through the menu and make a selection), **wherein presentation on the client includes audio presentation, video presentation, and audio/visual presentation** (col. 6, lines 55-63, as voice and data link), **and the contextual location-based information includes at least location information and at least one other piece of information about the geographic location** (col. 6, lines 18-29, as providing local food outlet, service station or hotel information, the location-based service information can include not only information regarding service providers in the vicinity of the subscriber, but can also identify local service providers meeting criteria specified by the profile information).

Hose does not explicitly teach, (but Jones teaches) **a database for storing user-supplied contextual location-based information supplied by a user, wherein the user directly stores the user-supplied contextual location-based information, including a user-supplied location, into the database and at least one client, entering the user-supplied location-based information** (para. 0005, the system and method for receiving, storing and providing access to a collection of entries collected from a variety of locations (i.e., the places that users have visited) as supplied by a multitude of remote users, and maintaining records of the places the users have visited

in the spatial-temporal information system on the web site that allow people to find information about other users have visited a specified geographical location), **wherein the client is able to rate the user-supplied contextual location-based information** (Fig. 5, para. 0005, para. 0023, users provide location ratings, comments about the place they have visited). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to implement the step of a **database for storing user-supplied contextual location-based information supplied by a user, wherein the user directly stores the user-supplied contextual location-based information, including a user-supplied location, into the database and at least one client, entering the user-supplied location-based information, wherein the client is able to rate the user-supplied contextual location-based information** as disclosed by Jones because it would provide users of Hose's system to share the location-based information with other users of the system so that the other users of the system able to find out information (i.e., rating or comments about the place) of a special location (i.e., a place they may be visited) to learn more about the facts of that place based on individuals supplement their Geomarks with descriptive annotated information, for example, before visiting the place.

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made to combine the teachings of the cited references to having a database stores both the user-supplied location-based information and the commercial location-based information as disclosed by Chan because it provides the users to have a chance to involve the location-based service information database. This would improve to make the location-based service database more completed and accurate.

***Response to Arguments***

Applicant's arguments filed on December 3, 2007 with respect to claims 1-15.

Applicant's arguments that Jones discloses the user-supplied location-based information and commercial location-based information are stored in a separate database while the instant application claimed that the database stores both the user-supplied location-based information and the commercial location-based. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection as explained in the above rejection

***Conclusion***

The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DEBBIE M LE/

Primary Examiner, Art Unit 2168

March 20, 2008.

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